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**Attorneys for Plaintiffs**

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal  
corporation,

Defendant.

Case No. 3:20-cv-00917-HZ

DECLARATION OF JESSE MERRITHEW  
IN SUPPORT OF PLAINTIFF'S MOTION  
FOR CLASS CERTIFICATION

I, Jesse Merrithew, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.

2. I have been licensed to practice law in Oregon since 2007. From 2008 through 2012, I worked as a staff attorney for Metropolitan Public Defender Services. In 2012, I started a law firm with three partners and have been with the firm ever since. Since moving into private practice, my practice has been a mix of section 1983 civil rights cases and criminal defense cases, both in state and federal court. For both categories of cases, I represent clients of all levels, from the trial courts through appeals and, for criminal cases, collateral attacks on their convictions. My civil rights practice focuses on representing clients who were harmed in some way by the criminal justice system: through police misconduct, inadequate medical treatment in jail or prison, violence within the prisons, or wrongful detention. In addition to cases seeking money damages for violations of civil rights, I have been lead counsel representing clients seeking structural injunctive relief similar to this case in three other cases: *Canales-Robles et. al. v. Peters et. al.*, Case No. 6:16-cv-01395-

AC, *Mink et. al. v. Allen et. al.*, Case No. 3:02-cv-00339-MO, and *Bowman v. Matteucci et. al.*,

Case No. 3:21-cv-01637-MO. This practice has given me extensive knowledge of the procedural and substantive issues in this case.

3. In 2020, I co-taught the Oregon Trial Lawyers Association's five-part section 1983 seminar with Elden Rosenthal, Michelle Burrows, Ashlee Albies, and Erious Johnson. I have presented on the topic of Section 1983 litigation on numerous other occasions, for the Oregon Criminal Defense Lawyers Association, Metropolitan Public Defender, Federal Public Defender, and Oregon Trial Lawyers Association.

4. In 2021, the Oregon Trial Lawyers Association awarded Ashlee Albies and I their Public Justice award, awarded annually to the lawyers in the state who make a substantial contribution to the public interest through their work.

5. I have not been appointed by any court as class counsel in the past. However, I have been fortunate to call upon experienced class action lawyers both locally and nationally who have been generous with their time and have indicated a willingness to continue to do so in the future. In addition, I have a motion for class certification pending in the *Canales-Robles* matter.

6. Attached hereto as Exhibit 1 is a true and correct copy of the deposition of the City of Portland, pursuant to Fed. R. Civ. P. 30(b)(6), designated deponent Jami Resch.

7. Attached hereto as Exhibit 2 is a true and correct copy of the deposition of the City of Portland, pursuant to Fed. R. Civ. P. 30(b)(6), designated deponent Robert Simon.

8. Attached hereto as Exhibit 3 is a true and correct copy of the deposition of the City of Portland, pursuant to Fed. R. Civ. P. 30(b)(6), designated deponent Craig Dobson.

9. Attached hereto as Exhibit 4 is a true and correct copy of the deposition of the City of Portland, pursuant to Fed. R. Civ. P. 30(b)(6), designated deponent Franz Schoening.

10. Attached hereto as Exhibit 5 is a true and correct copy of the deposition of the City of Portland, pursuant to Fed. R. Civ. P. 30(b)(6), designated deponent Jeffrey Bell.

11. Attached hereto as Exhibit 6 is a true and correct copy of the deposition of the City of Portland, pursuant to Fed. R. Civ. P. 30(b)(6), designated deponent Ross Caldwell.

12. Attached hereto as Exhibit 7 is a true and correct copy of the deposition of the City of Portland, pursuant to Fed. R. Civ. P. 30(b)(6), designated deponent Christina Snider.

Executed on January 14, 2022.

/s/ Jesse Merrithew  
Jesse Merrithew